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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,392	03/19/2001	Kenneth H. Crain	108292.00006	3369

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EXAMINER	
NGUYEN, CAO H	

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/812,392	CRAIN ET AL.	
	Examiner	Art Unit	
	Cao (Kevin) Nguyen	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ~~7/04 and 9/04~~. 08/16/04
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine (US Patent No. 6,385,590 B1) in view of Khan US Patent No. 6,546,393 B1).

Regarding claim 1, Levine discloses a system that enables the reconstruction of user-viewable visual stimuli observed through a browser-based interface comprising: a processing platform for executing code capable of reconstructing a user-viewable stimuli (see col. 2, lines 18-59); however, Levine fails to explicitly teach a storage platform for storing at least one user-viewed visual stimuli, the storage platform coupled to the processing platform.

Khan teaches teach a storage platform for storing at least one user-viewed visual stimuli, the storage platform coupled to the processing platform (see col. 11, lines 30-61). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide teach a storage platform for storing at least one user-viewed visual stimuli, the storage platform coupled to the processing platform as taught by Khan to the system of analyzing a stimulus of Levine in order to determine the effectiveness of stimuli using the Internet for evaluating or reconstructing stimuli and their effect on respondents.

Regarding claim 2, Khan discloses further comprising a user interaction device coupled to the processing platform (see col. 7, lines 9-67).

Regarding claim 3, Levine discloses wherein the processing platform executes code capable of reconstructing a user-viewable stimuli, by receiving a selection of content for reconstruction; retrieving data; calculating what to display; and reconstructing a display (see col. 4, lines 21-65).

Regarding claim 4, Khan discloses further comprising a browser coupled to the processing platform (see figures 11-14).

Regarding claim 5, Khan discloses further comprising a browser interface coupled to the server (see figures 19-21).

Regarding claim 6, Levine discloses further comprising a network coupled to the processing platform (see figures 1-2).

Regarding claim 7, Levine discloses wherein the storage platform comprises a visual stimuli algorithm (see col. 8, lines 1-8).

Regarding claim 8, Khan discloses wherein the system is maintained in a Person Digital Assistant (PDA) (see col. 18, lines 8-61).

Regarding claim 9, Levine discloses wherein the network is the internet (see figures 1-2).

Regarding claim 10, Levine discloses comprising a host computer coupled to the network, the host computer for communicating with the processing platform (see col. 8, lines 41-67).

Regarding claims 11-13, Khan discloses further comprising an eye tracking device coupled to the processing platform (see figures 9-14).

Regarding claim 14, Khan discloses wherein the network is a wireless network (see figure 1).

As claims 15-20 are analyzed as previously discussed with respect to claims 1-14 above.

Response to Arguments

3. Applicant's arguments filed on 03/09/04 have been fully considered but they are not persuasive.

On page 12, third paragraph of the Remark; Applicant argue that Levin and Khan do not teach or suggest "wherein the reconstructed user-viewable stimuli represents visual stimuli as it was previously displayed". However the claim limitations as claimed set forth to read on Levin "the invention asks a respondent attitudinal and/or behavioral questions, then monitors a respondent's behavior while viewing a stimulus. The stimulus is stored on the research taker's server. The stimulus can be any type of stimulus that

can be stored on and presented using conventional personal computers. The system monitors the respondent's behavior through use of a computer program associated with a web page used to display the stimulus. The stimulus is a website stored on an independent website host's server. The system monitors and records the hyperlinks on which the respondent clicks, the amount of time between hyperlink clicks, and the portion of the web page the respondent is specifically looking at by recording in one-half second intervals the coordinate of the pixel in the top left corner of the viewable area of the browser window and the size of the viewable area of the browser window"; see col. 3, lines 1-23.

In response to applicant's argument on pages 12, third paragraph that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 19880; *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Levin discloses "a processing platform for executing code capable of reconstructing a user-viewable stimuli, wherein the reconstructed user-viewable stimuli represents visual stimuli as it was previously displayed" used in combination of Khan's a storage platform for storing at least one user-viewed visual stimuli, the storage platform coupled to the processing platform. One skill in the art would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide teach a storage platform for storing at least one user-viewed visual stimuli as taught by Khan to the system of analyzing a

stimulus of Levine in order to determine the effectiveness of stimuli using the Internet for evaluating or reconstructing stimuli and their effect on respondents and display.

On page 13, first paragraph of the Remark; Applicant argue that Levin and Khan do not teach or suggest "identifying each unique instance of the content; enumerating through each unique instance of the content directly related to the content". However, the limitation as claimed set forth to read on Khan "The more the bookmarks accounts in which a particular site appears, the higher it may be ranked in its interest category. Likewise if the traffic to one bookmarked site is much higher than others that belong in the same interest category, the high traffic site may be ranked above (and possibly placed above in a search result or category listing page) the other sites. This may greatly increases the utility of the web directory. It may also be an important way to exploit the knowledge that is locked up in user bookmarks. Not only are the sites that are interesting enough to have been bookmarked by users simply displayed, but the sites are displayed in a manner for users of the site directory to differentiate which may be more relevant and content/information rich from among a pool of sites displayed in a particular category. As an option, an additional ranking mechanism may also be built into the site directory by allowing users to vote on the usefulness of any site. All three ranks may be displayed alongside the particular link to allow users to have the option to prioritize their selection of a link on the search page by: (a) number of people who have it bookmarked, (b) traffic frequency or (c) voting results; see col. 13, lines 25-55.

On page 13, second paragraph of the Remark; Applicant argue that Levin and Khan do not teach or suggest "wherein the child webpage is related to parent webpage". However, the limitations as claimed set forth to read on "In the present invention, sites

added to the web directory exist as bookmarks in a user's bookmark set of the user's online bookmark account. Thus, the only people allowed to add links to the web directory are users who host their bookmarks or favorite sites in online bookmark accounts on an online bookmark management server. This also helps to eliminate the "spamming" of the web directory by overzealous webmasters. A user first registers with the online bookmark management service and import their browser bookmarks, or favorite links off an existing webpage. Optionally, a user may create a fresh set of bookmarks in their server based bookmarks account. Once the user has a server side bookmark account set up and populated, the user may add part or all of the user's bookmarks to the web directory as represented in FIG. 3 by arrows. The user may choose manual or automatic categorization while adding part or all of their bookmark. Under manual categorization, the user determines the category under which to file a bookmark or a set of bookmarks. These bookmarks as well as the suggested categorization are reviewed by the directory's editorial staff for correctness of categorization. After this screening, the sites are made part of the directory under the user recommended category or a editor selected classification, and the user is notified. In automatic categorization, the user may specify which part of the user's bookmark set is to be included in the directory. All unique links in this set that do not already exist in the directory are then considered for addition under categories determined by the staff. With automatic categorization, the user does not have to determine and submit the appropriate categorization of the submitted bookmarks; see col. 11, lines 40-67.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

12/22/04